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Fremont City Council Amends Smoking Ordinance

Smoking Banned in Additional Outdoor Areas and Landlords Required to Disclose Smoking Restrictions to Tenants

Fremont, CA – January 11, 2013 – Today the City of Fremont strengthens its leadership as a forward-thinking Silicon Valley city by amending its Smoking Ordinance to better protect the public's health and welfare. The City's prior Smoking Ordinance was adopted in 1983 and had not been significantly updated since 1993—before State law banned smoking in indoor places of employment.

Every year the American Lung Association in California reviews and grades local smoking regulations of cities based on areas where the Association believes local action is needed and where the greatest health benefits can be derived. A city's overall grade is based on three categories: 1) Smoke-free outdoor air protection; 2) Smoke-free in multi-unit housing; and, 3) Reducing sales of tobacco products. Last year, Fremont received a "D", a grade not reflective of its commitment to public health.

In response, the Fremont City Council took immediate and purposeful action to revise the Smoking Ordinance by prohibiting smoking in public places and in places of employment. The revisions are aimed to limit unintentional exposure to second-hand smoke, as well as provide an environment supportive of smoking cessation efforts. The amendments took into consideration both the needs of smokers and the needs of non-smokers to breathe smoke-free air, and determined that when in conflict, the latter takes priority. The new Smoking Ordinance was adopted by the Council on Dec. 4, 2012, and became effective on Jan. 3, 2013.

"Over the years, Fremont has been recognized for being an ideal place to raise a family as well as a healthy, sharp, and bright city," said Mayor Bill Harrison. "Amending the City's Smoking Ordinance further demonstrates the City's commitment to ensuring that Fremont remains a healthy and desirable place to live, work, and visit."

The new Smoking Ordinance includes many amendments. Noteworthy ones include:

- Removes the smoking policy requirement for employers.
- Simplifies the reasonable distance between smoking and non-smoking areas to allow smoking 25 feet from building entrances, windows, and air intakes.
- Reduces the sign requirements to outdoor areas, including sidewalks in commercial areas, recreational areas, outdoor dining areas, and service areas.
- Bans tobacco product vending machines and redefines a retail tobacco store to include only those stores where 75 percent of the gross sales receipts are from the sale of tobacco or smoking products and accessories.
- Requires landlords/managers of multi-unit residential rental buildings to disclose smoking units, smoking areas, and smoking complaint policies to prospective tenants. The landlord is not liable for a tenant's violation of the ordinance where the landlord has fully complied with the noticing requirements. The amendments to the ordinance declare second-hand smoke is a nuisance and allow a lawful tenant or property owner to bring a civil nuisance action without having to prove damages.

To view the new Smoking Ordinance, please visit, www.Fremont.gov/SmokingOrdinance.